IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 338/2006

SAJJAN SINGH Vs. STATE OF RAJASTHAN

Date of order: 08.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh for the accused-petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.

****

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the judgment dated 06.02.2006 passed by the Additional Sessions Judge (Fast Track), Behror, District Alwar in Criminal Appeal No. 14/2005 (51/1999), by which the Appellate Court while allowing the appeal, set-aside the judgment dated 29.07.99 passed by the Additional Chief Judicial Magistrate, Behror, District Alwar in Criminal Case No. 168/1999 and remanded the matter back to the trial Court with the directions to fill the legal mistakes as detailed in the judgment and after retrial dispose of the matter afresh.

It is not disputed that the appeal was preferred by the accused-petitioner before the

Appellate Court aggrieving and dissatisfying with the judgment dated 29.07.99 passed by the trial Court and the Appellate Court has observed and issued directions to follow the due process of law and after following the due process of law, the matter requires fresh trial by the trial Court. The directions as indicated in the impugned judgment dated 06.02.2006 have been mainly challenged by the petitioner in this revision petition. Although the appeal of the accused-petitioner has been allowed but the petitioner is only aggrieved by the directions issued by the Appellate Court.

Having considered the submissions made by the learned counsel for the accused-petitioner, learned Public Prosecutor for the State and upon careful perusal of the relevant record, without expressing any observation on the merits of the case as the petitioner himself is not satisfied with the directions which are issued by the Appellate Court in the appeal filed by the petitioner, in the interest of justice, the observations/directions as made by the Appellate Court shall not come in the way for final disposal of the criminal case by the trial Court.

In view of these facts, the impugned judgment dated 06.02.2006 so far as remanding the matter back to

the trial Court is concerned, is sustained and the observations/directions which are made in the impugned judgment dated 06.02.2006 by the Appellate Court, shall not come in the way for fresh adjudication in accordance with the provision of law after giving opportunity of hearing to the parties and shall dispose of the matter afresh on merits as per the material available on record.

With the aforesaid observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/